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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Amanda Davis, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

KeyBank N.A.; and KeyBank Trust d/b/a
American Education Services LLC. d/b/a
KeyCorp Student Loan Trust,

Defendants.

Case No.: 2:22-cv-01645-JAD-EJY

**ORDER GRANTING STIPULATED
MOTION TO AMEND KEY'S
MOTION TO DISMISS PLAINTIFF'S
AMENDED COMPLAINT (ECF NO.
31) AND SET BRIEFING SCHEDULE**

ECF Nos. 31, 35

1 Plaintiff Amanda Davis, Defendant American Education Services LLC (“**AES**”) and
2 Defendant KeyBank N.A. (“**Key**”), by and through their undersigned counsel, hereby request
3 court approval of the following stipulation:

4 On January 3, 2023, Key filed a Motion to Dismiss Plaintiff’s Amended Complaint (ECF
5 No. 31). In its motion, Key included argument and authorities supporting its motion to dismiss
6 Plaintiff’s claims under the Fair Credit Reporting Act (“**FCRA**”). The next day on January 4,
7 2023, the Second Circuit entered a decision in *Mader v. Experian Information Solutions, Inc.*,
8 Nos. 20-3073, 21-2171, 2023 U.S. App. LEXIS 79, 2023 WL 27654 (2d Cir. Jan. 4, 2023),
9 which Key asserts is relevant to its pending Motion to Dismiss. While Plaintiff disagrees that
10 *Mader* is relevant and will address it in Plaintiff’s opposition to Key’s Motion to Dismiss,
11 Plaintiff agrees to the proposed stipulation so Key can amend its Motion to Dismiss and Plaintiff
12 can adequately review and respond to Key’s Motion.
13

14 WHEREAS, Plaintiff and Key hereby stipulate and agree as follows:

- 15 1. Key will be permitted to amend its Motion to Dismiss Plaintiff’s Amended Complaint
16 (ECF No. 31) (the “**Amended Motion**”) to include arguments related to the analysis in
17 *Mader v. Experian Information Solutions, Inc.*, 2023 U.S. App. LEXIS 79.
18
- 19 2. Key shall file the Amended Motion within three (3) days after the Court enters an
20 order granting this stipulated motion.
21
- 22 3. Once filed, the Amended Motion will amend the Motion to Dismiss (ECF No. 31)
23 and the Amended Motion will become the operative pleading.
- 24 4. Plaintiff shall respond to Key’s Amended Motion within thirty (30) days after Key
25 files the Amended Motion.
26
27
28

5. Plaintiff shall respond to Key's Motion to Strike Class Allegations (ECF No. 32) (the "***Motion to Strike***") within thirty (30) days after Key files the Amended Motion.

6. Key shall reply to Plaintiff's response to the Amended Motion and Motion to Strike within fourteen (14) days after Plaintiff files its respective responses.

DATED: January 11, 2023

BENNETT TUELLER JOHNSON & DEERE

FREEDOM LAW FIRM

/s/ Jared Inouye

/s/ George Haines

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ORDER

Based on the parties' stipulation [ECF No. 35] and good cause appearing, IT IS SO ORDERED. The original motion to dismiss [ECF No. 31] is **DENIED** without prejudice to the filing of the amended motion to dismiss as stipulated.



U.S. District Judge Jennifer A. Dorsey

Dated: January 13, 2023